

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 29, 2003

IN RE:

PETITION OF CHATTANOOGA GAS COMPANY,
NASHVILLE GAS COMPANY, A DIVISION OF
PIEDMONT GAS COMPANY, AND UNITED CITIES
GAS COMPANY, A DIVISION OF ATMOS ENERGY
CORPORATION FOR A DECLARATORY RULING
REGARDING THE COLLECTIBILITY OF THE GAS
COST PORTION OF THE UNCOLLECTIBLE
ACCOUNTS UNDER THE PURCHASE GAS
ADJUSTMENT ("PGA") RULES

DOCKET NO.
03-00209

ORDER DISMISSING REQUEST FOR EXTENSION OF TIME AS MOOT AND
HOLDING IN ABEYANCE REQUEST TO TAKE OFFICIAL NOTICE PURSUANT
TO TENN. CODE ANN. § 4-5-313

This matter is before the Pre-Hearing Officer on the parties' request for an extension of the time provided to file responses to the Discovery Requests propounded by the Consumer Advocate and Protection Division of the Office of the Attorney General, from August 26, 2003 until August 29, 2003 and the *Request to Take Official Notice Filed by the Consumer Advocate & Protection Division of the Office of the Attorney General* ("Request to Take Official Notice"). No objections to the *Request to Take Official Notice* have been filed.

Request for Extension of Time

On August 20, 2003, the parties filed the request for extension of time to file responses for discovery requests, asserting that computer problems related to the recent

worm virus had limited their ability to meet the August 21, 2003 due date. The parties requested that the time be extended until Tuesday, August 26, 2003.

On August 26, 2003, Atmos Energy Corporation and Chattanooga Gas Company filed the *Motion for Additional Time*, seeking an extension of the time provided to file responses to the Discovery Requests propounded by the Consumer Advocate and Protection Division of the Office of the Attorney General, from August 26, 2003 until August 29, 2003. This motion was granted on August 27, 2003. Inasmuch as the *Order Granting Motion for Additional Time* extended the time for filing to all parties until August 29, 2003, the request for extension of the time filed on August 20 is moot.

Request to Take Official Notice

The *Request to Take Official Notice* was also filed on August 20, 2003. Therein, the Consumer Advocate and Protection Division of the Office of the Attorney General ("CAPD") requests that the Tennessee Regulatory Authority ("Authority" or "TRA") take official notice of the following rate cases:

1. Application for Rate Change by Chattanooga Gas Company, Docket No. 97-00982;
2. Application of United Cities Gas Company, a Division of Atmos Energy Corporation for Rate Adjustment, Docket No. 95-02258;
3. Application by Nashville Gas Company, a Division of Piedmont Natural Gas Company, Inc. for an Adjustment of its Rates and Charges, the Approval of Revised Tariffs and Approval of Revised Service Regulations, Docket No. 99-00994;
4. Application of Nashville Gas Company, a Division of Piedmont Natural Gas Company, Inc. for an Adjustment of its Rates and Charges, the Approval of Revised Tariffs and Approval of Revised Service Regulations, Docket No. 03-00313, in the event that it is concluded prior to the hearing in the instant case.
5. All related tariffs for the petitioners herein.

CAPD is well within its rights to request that official notice be taken of records from other proceedings before the Authority. Tenn. Code Ann. § 4-5-113(6) states in pertinent part that “[o]fficial notice may be taken of . . . [t]he record of other proceedings before the agency.” Further, CAPD is to be commended for providing notice of its request far in advance of the Hearing.¹

Nevertheless, CAPD’s request is very broad and non-specific. Should this case be appealed, the addition of this evidence would result in a massive record, with the burden of its preparation borne by Authority staff.² Moreover, the first two dockets listed above are not available on the Authority website, presumably due to their age, hindering the parties’ access to the documents therein.

For these reasons, the CAPD is directed to identify the specific documents within these dockets of which it desires official notice to be taken. The CAPD may file an amendment to its *Request to Take Official Notice* identifying such documents at any time within the statutory framework contemplated by Tenn. Code Ann. § 4-5-113(6). CAPD’s *Request to Take Official Notice* will be held in abeyance pending the filing of the above mentioned amendment.


IT IS THEREFORE ORDERED THAT:

1. The request for extension of time is dismissed as moot.

¹ See Tenn. Code Ann. § 4-5-113(6) (requiring that parties be notified before or during the hearing of the specific facts and material noticed and the source thereof).

² See Tenn. R. App. P. 12(f).

2. The *Request to Take Official Notice Filed by the Consumer Advocate & Protection Division of the Office of the Attorney General* shall be held in abeyance pending the filing of an amendment thereto as stated herein.


Lynn Questell
Pre-Hearing Officer